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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,037	04/06/2006	Barry Peter Liversidge	1926-00115	7322
26753	7590	12/02/2008	EXAMINER	
ANDRUS, SCEALES, STARKE & SAWALL, LLP			SCHELL, LAURA C	
100 EAST WISCONSIN AVENUE, SUITE 1100			ART UNIT	PAPER NUMBER
MILWAUKEE, WI 53202			3767	
MAIL DATE		DELIVERY MODE		
12/02/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/575,037	<b>Applicant(s)</b> LIVERSIDGE, BARRY PETER
	<b>Examiner</b> LAURA C. SCHELL	<b>Art Unit</b> 3767

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 October 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 30-47 is/are pending in the application.
- 4a) Of the above claim(s) 32 and 41-43 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,30,31,33-40 and 44-47 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/06)  
 Paper No(s)/Mail Date 4/6/06
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election with traverse of Species A in the reply filed on 10/8/08 is acknowledged. The traversal is on the ground(s) that claim 1 is generic. The examiner has reviewed the claims and agrees that claim 1 is generic, however the requirement is still deemed proper and is therefore made FINAL.

Claims 32, 41-43 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 10/8/08.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Miller (US Patent No. 7,211,065). Miller discloses a latching blocking mechanism (mechanism is used in device of Figs. 1-5), comprising: a static component (22) including an elongate

guide (elongate guide is long slot that in which 31a resides in Fig. 4); a static abutment surface (bottom portion of elongate slot which 31a will contact before being moved into 34a); a movable component slidable along the guide between initial and shifted positions (Figs. 3 and 5, movable component is portion 27 which is attached to 20); a control member arranged for movement with the movable component in the sliding direction thereof but displaceable with respect thereto in a direction transverse to the sliding direction of the movable component, the control member initially being disposed at a first position relative to the movable component (31a moves transversely as seen in Fig. 2); control means arranged to urge the control member transversely towards a second position from the first position (42a urges 31a to move transversely), which control means becomes active only after the control member has moved by a predetermined distance from its first position towards its second position (will only move 31a once it has reached the bottom of the longitudinal slot and is able to push 31a into space 34a); and a static camming part co-operable with a moving camming part on the control member and arranged to move the control member through said predetermined distance from its first position on movement of the movable component from its initial position towards its shifted position (34a cooperates with portion 27); whereby following the movement of the control member through said predetermined distance and the return of the movable component towards its initial position, the control member is driven by the control means to a blocking position between the static abutment surface and the movable component thereafter to block further movement of the movable

component towards its shifted position (portion 42a moves 31a/27 into position 34a and prevents it from exiting and thereby covers the needle as seen in Fig. 2).

Claims 30, 31, 33-40, 44-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Miller (US Patent No. 7,211,065). Miller discloses a safety medical needle assembly (Figs. 1-5), comprising: a tubular component (22) including an internal elongate guide (elongate guide is long slot that in which 31a resides in Fig. 4); an abutment surface formed on the tubular component (bottom portion of elongate slot which 31a will contact before being moved into 34a); a movable component disposed within the tubular component and arranged for axial sliding movement with respect thereto between initial and shifted positions (portion 27 as seen in Figs. 3 and 5 moves axially in the elongate guide), the movable component being adapted to receive the hub of a medical needle so that the needle projects within but is protected by the movable component when in its initial position (Figs. 1-5); a control member arranged for axial movement with the movable component but rotatable with respect to the movable component, the control member initially being disposed at a first position relative to the movable component (portion 31a); control means arranged to urge the control member towards a second position angularly displaced from the first position (42a urges 31a into portion 34a), which control means becomes active only after the control member has turned through a predetermined angle towards the second position (will only move 31a once it has reached the bottom of the longitudinal slot and is able to push 31a into

space 34a); and a camming part on the tubular component co-operable with a moving camming part on the control member and arranged to turn the control member through said predetermined angle from its first position on axial movement of the movable component towards its shifted position to cause the needle to project from the movable component (Figs. 4 and 5); whereby the movement of the movable component towards its shifted position to cause the needle to project therefrom also causes the control member to turn through said predetermined angle where after the return of the movable component towards its initial position allows the control member to move behind the abutment surface under the action of the control means, thereafter to block further axial movement of the movable component towards its shifted position (Figs. 1-3 disclose that 31a has been pushed into 34a).

In reference to claim 31, Miller discloses that the camming part on the tubular component comprises an abutment formed on the guide, and the camming part on the control member is engageable therewith to cause turning movement of the control member during an initial stage of the movement of the movable component from its initial position (Figs. 1-5).

In reference to claim 33, Miller discloses a helical compression spring acting between the tubular component and the movable component, to urge the movable component towards its initial position (40).

In reference to claim 34, Miller discloses that the compression spring is pre-loaded to apply a torque to the movable component, to rotate the movable component towards its second angular position (Figs. 1-5).

In reference to claim 35, Miller discloses there is provided initialization means including a control surface on the movable component and on to which the control member is urged by said spring (Figs. 1-5).

In reference to claim 36, Miller discloses that said control surface of the movable component is a ramp surface inclined towards the guide (Figs. 1-5).

In reference to claim 37, Miller discloses that said control surface of the movable component extends in a radial plane (Figs. 1-5).

In reference to claim 38, Miller discloses that said control surface of the movable component has a detent with which the control member is engaged under the action of the spring (Figs. 1-5).

In reference to claim 39, Miller discloses that the movable component has a further surface on to which the control member is urged by the spring, which further surface is inclined towards the second position of the control member and adjoins the control surface of the first control means (Figs. 1-5).

In reference to claim 40, Miller discloses that wherein the junction between the control surface and the further surface defines the predetermined angle from the first position of the control member through which the control member is turned by the co-operable camming parts (Figs. 1-5).

In reference to claim 44, Miller discloses that the tubular component has a plurality of similar parallel guides formed internally of the component in an angularly-spaced disposition (Figs. 1-5).

In reference to claim 45, Miller discloses that each guide provides said abutment surface behind which the control member engages to block movement of the movable component towards its shifted position (Figs. 1-5).

In reference to claim 46, Miller discloses that the medical needle has a hub at its rear end, the hub being removably mounted in the movable component and being configured to receive the forward part of a syringe to be connected thereto (Figs. 1-5).

In reference to claim 47, Miller discloses a safety medical needle assembly as claimed in claim 30 in combination with a syringe connected to a needle supported in the safety needle assembly (Figs. 1-5).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA C. SCHELL whose telephone number is (571)272-7881. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura C Schell/  
Examiner, Art Unit 3767  
/Kevin C. Sirmons/  
Supervisory Patent Examiner, Art Unit 3767